

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

MARIO RANDLE CARTER, JR.,

Plaintiff,

v.

BUTTS COUNTY JAIL, *et al.*,

Defendants.

CIVIL ACTION NO.
5:18-cv-00423-TES-CHW

ORDER ADOPTING THE UNITED STATES
MAGISTRATE JUDGE'S RECOMMENDATION

In his Recommendation [Doc. 52], the United States Magistrate Judge recommends that the Court grants two motions for summary judgment, one filed by Sheriff Gary Long, Captain Vette Weaver, and Captain Hanson, [Doc. 38], and one filed by Melinda Burdette, LPN, and Southern Correctional Medicine [Doc. 42].

No objections have been filed to the magistrate judge's Recommendation; therefore, the Court reviews his findings for clear error. 28 U.S.C. § 636(b)(1)(A).

After careful review, the Court, finding no clear error, **ADOPTS** the Recommendation [Doc. 52] and **MAKES IT THE ORDER OF THE COURT**. Accordingly, the Court **GRANTS** Defendants' respective motions for summary judgment, [Doc. 38] [Doc. 42] and the Clerk is **DIRECTED** to enter judgment in favor of Defendants as to all claims except the due process claim against Weaver and Burdette

concerning the May 29, 2018, medical segregation. The Court **DISMISSES** the due process claim against Weaver and Burdette **without prejudice** for failure to exhaust all available administrative remedies.¹

SO ORDERED, this 15th day of April, 2020.

S/ Tilman E. Self, III

TILMAN E. SELF, III, JUDGE

UNITED STATES DISTRICT COURT

¹ Plaintiff's only remaining claim is the excessive force claim brought against Deputy Brad Young, who was reinstated as a defendant in this action on March 18, 2020. *See* [Doc. 52, pp. 1–2].